

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**FORTY-SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 21, 2008**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – McGeachin. Total –1.

Total – 70.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Narciso Lopez, Page.

Approval of Journal

February 21, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 20, 2008

Mr. Speaker:

I transmit herewith enrolled **S 1272** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1272** and, when so signed, ordered it returned to the Senate.

February 20, 2008

Mr. Speaker:

I transmit herewith **S 1357, S 1362, S 1418, S 1352, S 1354,** and **S 1394** which have passed the Senate.

WOOD, Secretary

S 1357, S 1362, S 1418, S 1352, S 1354, and **S 1394** were filed for first reading.

Report of Standing Committees

February 21, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HP 2** and **H 545**, and House Amendments to **H 365, H 389, H 447, H 418, H 483,** and **H 496**.

CLARK, Chairman

HP 2 was filed for second reading.

H 545 was referred to the Local Government Committee.

February 21, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 365**, as amended, **H 389**, as amended, **H 447**, as amended, **H 418**, as amended, **H 483**, as amended, and **H 496**, as amended.

CLARK, Chairman

H 365, as amended, **H 389**, as amended, **H 447**, as amended, **H 418**, as amended, **H 483**, as amended, and **H 496**, as amended, were filed for first reading of engrossed bills.

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 530** and recommend that it do pass.

LAKE, Chairman

H 530 was filed for second reading.

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 398** and recommend that it do pass.

NONINI, Chairman

H 398 was filed for second reading.

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 525** and recommend that it do pass.

BARRETT, Chairman

H 525 was filed for second reading.

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 415** and recommend that it do pass.

TRAIL, Chairman

H 415 was filed for second reading.

February 20, 2008

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 528** and **S 1306** and recommend that they do pass.

WOOD, Chairman

H 528 and **S 1306** filed for second reading.

February 21, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 531** and **HJM 7** and recommend that they do pass.

LOERTSHER, Chairman

H 531 and **HJM 7** were filed for second reading.

February 21, 2008

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **S 1355** and recommend that it do pass.

LAKE, Chairman

S 1355 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 546 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO HIGHWAYS; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-513C, IDAHO CODE, TO DESIGNATE THAT PORTION OF INTERSTATE HIGHWAY I-90 LOCATED IN IDAHO AS THE IDAHO PORTION OF THE NATIONAL PURPLE HEART TRAIL.

HOUSE BILL NO. 547 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO STANDARD FIRE POLICY; AMENDING SECTION 41-2401, IDAHO CODE, TO REVISE A DEFINITION.

HOUSE BILL NO. 548 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE STATE COLLEGE SAVINGS PROGRAM; AMENDING SECTION 33-5401, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-5402, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE STATE COLLEGE SAVINGS PROGRAM BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5404, IDAHO CODE, TO REVISE COLLEGE SAVINGS PROGRAM REQUIREMENTS; AMENDING SECTION 33-5407, IDAHO CODE, TO REVISE LIMITATIONS OF THE

COLLEGE SAVINGS PROGRAM CHAPTER AND TO ALLOW POLICIES INSTEAD OF RULES; AND AMENDING CHAPTER 54, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5410, IDAHO CODE, TO PROVIDE PROCEDURES FOR UNCLAIMED ACCOUNTS.

HOUSE BILL NO. 549 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ADJUSTMENTS TO TAXABLE INCOME; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE THAT THE ADDITION TO TAXABLE INCOME WHEN TRANSFERRING MONEYS FROM IDAHO'S COLLEGE SAVINGS PLAN TO A QUALIFIED TUITION PROGRAM THAT IS OPERATED BY ANOTHER STATE IS LIMITED TO THE AMOUNT OF THE TOTAL CONTRIBUTIONS TO THE IDAHO INDIVIDUAL TRUST ACCOUNT OR SAVINGS ACCOUNT BY THE ACCOUNT OWNER IN THE TWELVE MONTHS PRECEDING THE DATE OF THE TRANSFER; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 550 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602NN, IDAHO CODE, TO PROVIDE THAT DURING TAX YEAR 2008 AND EACH YEAR THEREAFTER A BOARD OF COUNTY COMMISSIONERS MAY DECLARE THAT ALL OR A PORTION OF THE MARKET VALUE OF INVESTMENT IN NEW PLANT AND BUILDING FACILITIES MEETING CERTAIN TAX INCENTIVE CRITERIA SHALL BE EXEMPT FROM TAXATION, TO DEFINE TERMS, TO PROVIDE PROCEDURES, AND TO PROVIDE THAT THE LEGISLATURE DECLARES THE EXEMPTION NECESSARY AND JUST; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 546, H 547, H 548, H 549, and H 550 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1357 and **S 1362**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1418, S 1352, and S 1354, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1394, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

First Reading of Engrossed Bills

H 365, as amended, and **H 483**, as amended, by Transportation and Defense Committee, was read the first time by title and filed for second reading.

H 389, as amended, by Health and Welfare Committee, was read the first time by title and filed for second reading.

H 447, as amended, by State Affairs Committee, was read the first time by title and filed for second reading.

H 418, as amended, by Revenue and Taxation Committee, was read the first time by title and filed for second reading.

H 496, as amended, by Commerce and Human Resources Committee, was read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

SCR 125, by State Affairs Committee, was read the second time by title and filed for third reading.

H 405, H 407, H 473, H 500, and H 515, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 493, H 522, and H 523, by Business Committee, were read the second time by title and filed for third reading.

S 1349 and S 1356, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 401 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **H 410** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, Kren, Labrador, Lake, LeFavour, Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ruchti, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 63.

NAYS -- Durst, King, Luker, Ringo, Rusche. Total -- 5.

Absent and excused--McGeachin, Roberts. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 401** passed the House. Title was approved and the bill ordered transmitted to the Senate.

HCR 46 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall **HCR 46** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Labrador, McGeachin, Moyle, Roberts. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **HCR 46** adopted and ordered the resolution transmitted to the Senate.

HCR 47 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall **HCR 47** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--McGeachin, Moyle. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HCR 47** adopted and ordered the resolution transmitted to the Senate.

H 490 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 490** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,

Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- Bock. Total -- 1.

Absent and excused--McGeachin. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 490** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 426 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 426** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- Ringo. Total -- 1.

Absent and excused--McGeachin. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 426** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mrs. Ringo asked unanimous consent that her vote on **H 426** be changed from "NAY" to "AYE". There being no objection, it was so ordered.

The revised roll call for **H 426** resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--McGeachin. Total -- 1.

Total -- 70.

H 441 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 441** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- Henderson. Total -- 1.

Absent and excused--McGeachin. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 441** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 485 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Durst to open debate.

Mr. Durst asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 485**. Mr. Bedke objected.

Mr. Durst asked unanimous consent that **H 485** be returned to the Agricultural Affairs Committee. There being no objection, it was so ordered.

SCR 126 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **SCR 126** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(24), Smith(30)(Stanek), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--McGeachin. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **SCR 126** adopted and ordered the resolution returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Friday, February 22, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:19 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk